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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/045,036

Applicant(s)
Walker et al.

Examiner
John Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 2, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 11
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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FINAL REJECTION
STATUS OF THE CLAIMS

1. Claims 1-36 are pending.

DRAWING OBJECTIONS

2. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

SPECIFICATION OBJECTION

Improper Incorporation

3. The attempt to incorporate subject matter into this application by reference to other patent applications and issued patents is improper because: said references themselves incorporate 'essential material' by reference. . . ." (See MPEP 608.01(p)(I)(A)); furthermore,

Mere reference to another application, patent, or publication is not
an incorporation of anything therein into the application containing

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such reference for the purpose of the disclosure required by 35 U.S.C. 112, first paragraph. . . . Particular attention should be directed to specific portions of the referenced document where the subject matter being incorporated may be found. (See MPEP 608/01(p)(I)(A)); furthermore,

CLAIM REJECTIONS— 35 U.S.C. §103(a)

4. Rejections Maintained.

ORIGINAL 35 U.S.C. §103(a) REJECTIONS

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Independent claims 1, 6, 11-13 & 17 and dependent claims 2-5, 7-10, 14-16, 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Storch 5,548,110 (8/20/1996) (herein referred to as “Storch”) in view of Roberts 5,772,510 (6/30/1998) [US f/d: 10/26/1995] (herein referred to as “Roberts”) and further in view of “Heads I win, tails you lose.” The Economist (13 June 1992) v. 323, p. 74 (herein referred to as “The Economist”).

As per claim 1, Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest:

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A method for facilitating the purchase of fractional lottery tickets using a point-of-sale terminal, comprising: determining a monetary value; allocating a portion of a ticket, the portion being based on the monetary value; outputting a ticket identifier that identifies the ticket and a portion identifier that identifies the allocated portion of the ticket; and storing the ticket identifier and the portion identifier.

Storch lacks an explicit recitation of: “outputting a ticket identifier that identifies the ticket and a portion identifier that identifies the allocated portion of the ticket. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 2B, el. 20b; and col. 4, ll. 5-65) shows elements that suggest “outputting a ticket identifier that identifies the ticket and a portion identifier that identifies the allocated portion of the ticket. . . .”

Roberts proposes ticket identifier modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

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Storch lacks an explicit recitation of: “determining a monetary value. . . .”

The Economist (p. 1) shows elements that suggest “determining a monetary value. . . .”

The Economist proposes monetary determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

As per claim 2, Storch in view of Roberts and further in view of The Economist shows the method of claim 1. (See the rejection of claim 1 supra).

Storch lacks an explicit recitation of: “determining a monetary value based on an amount of change due for a purchase. . . .”

The Economist (p. 1) shows elements that suggest “determining a monetary value based on an amount of change due for a purchase. . . .”

The Economist proposes monetary determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

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As per claim 3, Storch in view of Roberts and further in view of The Economist shows the method of claim 1. (See the rejection of claim 1 supra).

Storch lacks an explicit recitation of: “selecting the ticket from a plurality of tickets. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 6A & FIG. 6B) shows elements that suggest “selecting the ticket from a plurality of tickets. . . .”

Roberts proposes ticket selection modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means “for dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 2, ll. 59-60)).

As per claim 4, Storch in view of Roberts and further in view of The Economist shows the method of claim 3. (See the rejection of claim 3 supra).

Storch lacks an explicit recitation of: “selecting the ticket having an unallocated portion at least as great as the monetary value. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

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Roberts (FIG. 2A; FIG. 5; & FIG. 8A) shows elements that suggest “selecting the ticket having an unallocated portion at least as great as the monetary value. . . .”

Roberts proposes ticket selection modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means “for dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 2, ll. 59-60)).

As per claim 5, Storch in view of Roberts and further in view of The Economist shows the method of claim 3. (See the rejection of claim 3 supra).

Storch lacks an explicit recitation of: “determining a set of tickets that each have an unallocated portion at least as great as the monetary value; and selecting a ticket from the set of tickets which has a minimal unallocated portion. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 2A; FIG. 5; & FIG. 8A) shows elements that suggest “determining a set of tickets that each have an unallocated portion at least as great as the monetary value; and selecting a ticket from the set of tickets which has a minimal unallocated portion. . . .”

Roberts proposes ticket selection modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the

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art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means “for dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 2, ll. 59-60)).

Claims 6, 11 & 12 are rejected for substantially the same reasons as claim 1.

Claim 7 is rejected for substantially the same reasons as claim 2.

Claim 8 is rejected for substantially the same reasons as claim 3.

Claim 9 is rejected for substantially the same reasons as claim 4.

Claim 10 is rejected for substantially the same reasons as claim 5.

As per claim 13, Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest: A method for facilitating the purchase of fractional lottery tickets using a point-of-sale terminal, comprising: determining a monetary value . . . allocating at least a portion of the selected ticket, the portion being based on the monetary value. . . .”

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Storch lacks an explicit recitation of: “determining an amount of change due for a purchase; determining a monetary value based on the amount of change due; selecting a ticket from a plurality of tickets, the selected ticket having an unallocated portion at least as great as the monetary value; allocating at least a portion of the selected ticket, the portion being based on the monetary value; outputting a ticket identifier that identifies the ticket and a portion identifier that identifies the allocated portion of the selected ticket; and storing the ticket identifier and the portion identifier.”

The Economist (p. 1) shows elements that suggest “determining an amount of change due for a purchase; determining a monetary value based on the amount of change due. . . .”

The Economist proposes monetary determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

Roberts (FIG. 6A & FIG. 6B) shows elements that suggest “selecting a ticket from a plurality of tickets. . . .”

Roberts (FIG. 2A; FIG. 5; & FIG. 8A) shows elements that suggest “the selected ticket having an unallocated portion at least as great as the monetary value. . . .”

Roberts proposes ticket selection modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the

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art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means “for dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 2, ll. 59-60)).

Roberts (FIG. 2B, el. 20b; and col. 4, ll. 5-65) shows elements that suggest “outputting a ticket identifier that identifies the ticket and a portion identifier that identifies the allocated portion of the selected ticket . . . and storing the ticket identifier and the portion identifier. . . .”

Roberts proposes ticket identifier modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

As per claim 14, Storch in view of Roberts and further in view of The Economist shows the method of claim 13. (See the rejection of claim 13 supra).

Storch lacks an explicit recital of “rounding the amount of change due to a predetermined multiple, thereby generating a rounded change amount; and setting the monetary value equal to the rounded change amount.”

The Economist (p. 1) shows elements that suggest “rounding the amount of change due to a predetermined multiple, thereby generating a rounded change amount;

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and setting the monetary value equal to the rounded change amount.”

The Economist proposes change rounding determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

As per claim 15, Storch in view of Roberts and further in view of The Economist shows the method of claim 14. (See the rejection of claim 14 supra).

Storch lacks an explicit recital of “rounding down the amount of change due to a predetermined multiple, thereby generating a rounded-down change amount.”

The Economist (p. 1) shows elements that suggest “rounding down the amount of change due to a predetermined multiple, thereby generating a rounded-down change amount.”

The Economist proposes change rounding determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

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As per claim 16, Storch in view of Roberts and further in view of The Economist shows the method of claim 13. (See the rejection of claim 13 supra).

Storch lacks an explicit recital of “outputting an offer to exchange a fractional lottery ticket for change due.”

The Economist (p. 1) shows elements that suggest “outputting an offer to exchange a fractional lottery ticket for change due.”

The Economist proposes outputting offer modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

Claim 17 is rejected for substantially the same reasons as claim 13.

Claim 18 is rejected for substantially the same reasons as claim 14.

Claim 19 is rejected for substantially the same reasons as claim 15.

Claim 20 is rejected for substantially the same reasons as claim 16.

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REVISED 35 U.S.C. §103(a) REJECTIONS

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 21-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Storch in view of Roberts and further in view of The Economist.

As per claim 21, Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest the elements and limitations of claim 22.

Storch lacks an explicit recitation of “determining a portion of the prize value based on the allocated portion of the ticket. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 2B, el. 20b; and col. 4, ll. 5-65) shows elements that suggest “determining a portion of the prize value based on the allocated portion of the ticket.”

Roberts proposes ticket prize determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of

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Roberts with the system and method of Storch because such combination would have provided means for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

Storch lacks an explicit recitation of: “determining the prize value. . . .”

The Economist (p. 1) shows elements that suggest ““determining the prize value. . . .”

The Economist proposes monetary determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

Claim 22 is rejected for substantially the same reasons as claim 21.

As per claim 23, Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest the elements and limitations of claim 23.

Storch lacks an explicit recitation of “providing a portion of the prize value based on the allocated portion of the ticket. . . .” even though Storch (FIG.

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1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 2B, el. 20b; and col. 4, ll. 5-65) shows elements that suggest “providing a portion of the prize value based on the allocated portion of the ticket. . . .”

Roberts proposes ticket prize determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

Storch lacks an explicit recitation of: “determining the prize value of the ticket. . . .”

The Economist (p. 1) shows elements that suggest “determining the prize value of the ticket. . . .”

The Economist proposes monetary determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining the prize value. . . .” (See The

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Economist (p. 1)).

Claim 24 is rejected for the same reasons as claim 23.

7. Claims 21-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Storch in view of Roberts.

As per claim 25, Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest the elements and limitations of claim 25.

Storch lacks an explicit recitation of “maintaining a supply of tickets, each ticket having an unallocated portion thereof; acquiring an additional ticket. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 1; FIG. 2A, FIG. 6; Fig. 5; FIG. 6A; and FIG.) shows elements that suggest “maintaining a supply of tickets, each ticket having an unallocated portion thereof; acquiring an additional ticket. . . .”

Roberts proposes ticket storage modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the

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system and method of Storch because such combination would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)) and for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

As per claim 26, Storch in view of Roberts shows the rejection of claim 25.

Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest the elements and limitations of claim 26.

Storch lacks an explicit recitation of “counting a number of tickets having an unallocated portion that is above a first predetermined threshold; and acquiring an additional ticket if the number of tickets having an unallocated portion that is above the first predetermined threshold is below a second predetermined threshold.”

Roberts (FIG. 1; FIG. 2A, FIG. 6; Fig. 5; FIG. 6A; and FIG.) shows elements that suggest “counting a number of tickets having an unallocated portion that is above a first predetermined threshold; and acquiring an additional ticket if the number of tickets having an unallocated portion that is above the first predetermined threshold is below a second predetermined threshold.”

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Roberts proposes ticket threshold modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)) and for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

As per claim 27, Storch in view of Roberts shows the rejection of claim 25.

Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest the elements and limitations of claim 27.

Storch lacks an explicit recitation of suggest the elements and limitations of claim 27.

Roberts (FIG. 1; FIG. 2A, FIG. 6; Fig. 5; FIG. 6A; and FIG.) shows elements that suggest “receiving an indication of a requested portion; counting a number of tickets having an unallocated portion that is above the requested portion; and acquiring an additional ticket if the number of tickets having unallocated portion that is above the requested portion is below a predetermined threshold.”

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Roberts proposes ticket counting modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)) and for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

As per claim 28, Storch in view of Roberts shows the rejection of claim 25.

Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest the elements and limitations of claim 28.

Storch lacks an explicit recitation of suggest the elements and limitations of claim 28.

Roberts (FIG. 1; FIG. 2A, FIG. 6; Fig. 5; FIG. 6A; and FIG.) shows elements that suggest “acquiring a predetermined number of additional tickets.”

Roberts proposes ticket acquiring modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided

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means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)) and for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

As per claim 29, Storch in view of Roberts shows the rejection of claim 25.

Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest the elements and limitations of claim 29.

Storch lacks an explicit recitation of suggest the elements and limitations of claim 29.

Roberts (FIG. 1; FIG. 2A, FIG. 6; Fig. 5; FIG. 6A; and FIG.) shows elements that suggest “calculating a sum of the unallocated portions of the tickets.”

Roberts proposes ticket calculating modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)) and for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

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As per claim 30, Storch in view of Roberts shows the rejection of claim 29.

Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest the elements and limitations of claim 30.

Storch lacks an explicit recitation of suggest the elements and limitations of claim 30.

Roberts (FIG. 1; FIG. 2A, FIG. 6; Fig. 5; FIG. 6A; and FIG.) shows elements that suggest “acquiring an additional ticket if the calculated sum is below a predetermined threshold.”

Roberts proposes ticket acquiring modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)) and for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

Claim 31 is rejected for substantially the same reasons as claim 25.

Claim 32 is rejected for substantially the same reasons as claim 26.

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Claim 33 is rejected for substantially the same reasons as claim 27.

Claim 34 is rejected for substantially the same reasons as claim 28.

Claim 35 is rejected for substantially the same reasons as claim 29.

Claim 36 is rejected for substantially the same reasons as claim 30.

RESPONSE TO ARGUMENTS

8. Applicant's arguments (Response, paper#10, filed 4/2/2002) have been considered but are not persuasive for the following reasons:

As per the obviousness rejections of claims 1-20, in response to Applicant's arguments (pp. 4-6 of Applicant's Response), Applicant's arguments do not comply with 37 CFR 1.111© because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Therefore, Applicants arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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As per the obviousness rejections of claims 1-20, in response to Applicant's arguments (pp. 4-6 of Applicant's Response), Applicant's arguments are against the references individually; one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As per the obviousness rejections of claims 21-36, in response to Applicant's arguments (pp. 6-7 of Applicant's Response), Applicant's arguments are moot in view of the new grounds of rejection required by Applicant's demand for reference evidence in support of the Official Notice evidence presented by the Office in the prior Office Action."

THIS ACTION IS MADE FINAL.

New grounds of rejection in this Office Action are necessitated by Applicant's demand for reference evidence in support of Official Notice Evidence presented in the prior Office Action and Applicant's amendment. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 2144.03 and MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

RELEVANT PRIOR ART

9. The prior art references made of record and not relied upon are considered pertinent to Applicant's disclosure:

U.S. Patents

5,200,889, U.S. Pat. [Apr. 06, 1993]

Mori,

705/14

**“SYSTEM FOR MAINTAINING CONTINUOUS TOTAL OF
REFUND AMOUNTS DUE A CUSTOMER AND FOR ALLOWING
CUSTOMER DESIGNATION OF THE AMOUNT OF REFUND TO**

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BE APPLIED TO A PURCHASE.” This reference discusses display customization upsales. (See the ABSTRACT) Ref. claims 1-36.

CONCLUSION

10. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist

Crystal Park V

2451 Crystal Drive

Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

Serial Number: 09/045,036

(Walker et al.)

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive

Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Patent Examiner

June 17, 2002


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600